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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,778	05/03/2005	Stephan Simon	10191/3675	7908
26646 7590 04/13/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
TRAN, DALENA				
ART UNIT		PAPER NUMBER		
3664				
MAIL DATE		DELIVERY MODE		
04/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,778

Applicant(s)

SIMON ET AL.

Examiner

Dalena Tran

Art Unit

3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-26 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-26, 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10533778	5/3/05	SIMON ET AL.	10191/3675

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

Dalena Tran

ART UNIT	PAPER
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3664

20090410

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 1/26/09. Claims 12-26, and 29-31 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-26, and 29-31, are rejected under 35 U.S.C.103(a) as being unpatentable over Patera et al. (6691034) in view of Piccirillo et al. (5557278).

As per claim 12, Patera et al. disclose a method for determining an accident risk of a first object with at least one second object, comprising: determining the accident risk as a function of a collision probability (see columns 4-5, lines 17-7; columns 8-9, lines 65-28; and columns 10-11, lines 49-30) of the at least one second object in a predefined region, and determining the collision probability as a function of motions of the first and at least one second object (see columns 6-7, lines 46-37). Patera et al. do not disclose determining the accident risk as a function of hazard probability. However, Piccirillo et al. disclose determining the accident risk as a function of hazard probability, and determining the hazard probability as a function of motions of the first and at least one second object (see at least column 1, lines 18-21; columns 3-4, lines 20-33; column 5, lines 22-55; and columns 7-8, lines 34-53). It would have been obvious to one of ordinary skill in the art that, "near accident" (column 1, lines 18-20), "possible

conflict situations" (column 1, line 64), "potential for collision" (column 1, line 65), "reduce incidence of collision" (column 3, line 24), "determine if each moving object exceeds allowable preset limits for each surface, movement state, and surface type and status with respect to other objects" (column 4, lines 1-3), and "each cell in segment in surface of interest maybe analyzed for the existence of a potential conflict" (column 4, lines 6-10), all are implies "the accident risk", because they are determine the possible, the risk, or potential of accident. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Patera et al. by combining determining the accident risk as a function of hazard probability for monitoring the position of multiple objects, in order for determining a potential for collision between objects, to avoid accident or collision occur.

As per claim 13, Piccirillo et al. disclose an object class of the first and at least one second object are taken into account in determining the collision probability and the hazard probability (see columns 3-4, lines 61-33; column 5, lines 22-55; and columns 7-8, lines 34-53).

As per claims 14-15, Piccirillo et al. disclose the motion and the object class of the at least one second object are determined by way of a sensor suite, and the motion and the object class of the first object are retrieved from at least one data source (see columns 7-8, lines 34-53).

As per claims 16-17, Patera et al. disclose the motion of the first object is defined by at least one current position and its velocity (see column 5, lines 23-51).

As per claims 18-21, Patera et al. disclose the motion of the at least one second object is defined by at least one current position (see column 6, lines 16-45).

As per claim 22, Patera et al. disclose the motion of the first object is additionally determined by way of at least one of its first longitudinal acceleration, first transverse

acceleration, a first rotation angle and a first steering angle (see columns 12-13, lines 43-24; and columns 22-23, lines 22-9).

As per claim 23, Patera et al. disclose the motion of the at least one second object is additionally determined by way of its velocity relative to the first object, second longitudinal acceleration, a second transverse acceleration and a second rotation angle (see column 12, lines 9-20).

As per claims 24-25, Patera et al. disclose environmental influences and a respective driving behavior are taken into account in determining the respective motion (see column 16, lines 10-14).

As per claim 26, Patera et al. disclose at least one of an indication and at least one signal to an actuator suite are generated as a function of the accident risk (see column 8, lines 24-67; and columns 17-18, lines 59-39).

Claim 29, is a combination of claims 13-14, 16, and 18 above. Claim 30, is a combination of claims 22-23 above. Claim 31, is a combination of claims 24-26 above. Therefore, they are rejected the same as above.

Remarks

4. Applicant's argument filed on 1/26/09 has been fully considered but they are not persuasive.

Applicant's general argument about the reason for combining references, the reason for combining reference as above, claim 12.

Also, applicant's argue about Patera et al. do not disclose hazard probability, applicant attention to claim 12 above, this is the rejected under 35 U.S.C.103(a), Patera et al. reference

Patera et al. do not disclose hazard probability. However, Piccirillo et al. was combined for determining the accident risk as a function of hazard probability as claim 12 above.

Applicant's argue on page 7 that Piccirillo et al. do not disclose anything about accident risk or hazard probability. However, Piccirillo et al. disclose "near accident" (column 1, lines 18-20), "possible conflict situations" (column 1, line 64), "potential for collision" (column 1, line 65), "reduce incidence of collision" (column 3, line 24), "determine if each moving object exceeds allowable preset limits for each surface, movement state, and surface type and status with respect to other objects" (column 4, lines 1-3), and "each cell in segment in surface of interest maybe analyzed for the existence of a potential conflict" (column 4, lines 6-10), all are implies "the accident risk", because they are determine the possible, the risk, or potential of accident. Also, Piccirillo et al. disclose "possible hazard situations" (column 3, line 60), and "potential hazardous situation" (column 4, line 33), and also the abstract; that just a few example, however, throughout the reference, Piccirillo et al. disclose the hazard probability.

5. Therefore, the references cited still reads the claimed invention. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shorten statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will

be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-W (in a first week of a bi-week), and T-R (in a second week of bi-week) from 7:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dalena Tran/
Primary Examiner, Art Unit 3664
April 10, 2009

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Art Unit: 3664

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